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Subject: EPA Mid-Atlantic Region Headlines - Thursday, March 6, 2014

EPA Mid-Atlantic Region Headlines

Thursday, March 6, 2014

***** DAILY HOT LIST *****

Coal Firm to Pay Record Penalty and Spend Millions on Water Cleanup in 5 States

NEW YORK TIMES One of the nation's biggest coal companies will pay a record civil penalty and will spend tens of millions of dollars to clean up water flowing from mines in five states, the Environmental Protection Agency and the Justice Department announced on Wednesday. The company, Alpha Natural Resources, and 66 of its subsidiaries including the former Massey Energy, will spend \$200 million under a consent decree to reduce pollution from coal mines in Kentucky, Pennsylvania, Tennessee, Virginia and West Virginia. The company will also pay \$27.5 million, the largest civil penalty ever for permit violations under the Clean Water Act, in connection with more than 6,000 such violations from 2006 to 2013. Under the agreement, which involved both state and federal agencies, Alpha's new equipment should prevent the discharge of about 36 million pounds of dissolved solids each year, including about nine million pounds of metals and other pollutants. The agreement is the fifth in recent years between the agencies and coal companies, following deals with Massey in 2008, Patriot Coal in 2009, and Arch Coal and Consol Energy in 2011. Because of such agreements, "we have a very significant share of the coal mining companies in Appalachia under consent decrees to clean up their discharges," said Robert G. Dreher, the acting assistant attorney general for the Environment and Natural Resources Division of the Justice Department. In a statement, Alpha noted that water safety in industrial operations had been at the forefront of public attention in recent months with a chemical spill in West Virginia and a coal ash spill in North Carolina. "The public expects that regulators ensure that water quality is protected and that companies comply with their permits," said Gene Kitts, Alpha's senior vice president for environmental affairs. "That's the way it should be. We respect and support that, and understand the concerns that these events have raised, yet there are distinct differences between those events and what we're talking about here."

House approves chemical storage tank bill, 95-0

CHARLESTON GAZETTE CHARLESTON, W.Va. -- After more than a month of debate by three committees, a half dozen hearings and about 100 amendments, the West Virginia House of Delegates has unanimously passed a bill in response to January's Elk River chemical leak. Everyone agreed on the need for a bill -- it passed 95-0 - but no one could quite agree on what

should be in it. On Wednesday, for the third time this week, the House debated and tinkered late into the night on a bill regulating above-ground storage tanks, like the one at the Freedom Industries tank farm that contaminated the drinking water of 300,000 people. Now that the bill has cleared the House, the differences with the Senate's version must be ironed out and both bodies must re-approve the bill by Saturday night. The House amended the bill to require the Bureau for Public Health to conduct a long-term study of health effects resulting from the chemical leak. Both state and federal agencies are currently evaluating the records of more than 500 people who went to area hospitals reporting symptoms related to the water crisis, but are not currently doing more extensive studies of the population. In advocating for more monitoring, Dr. Rahul Gupta, executive director of the Kanawha-Charleston Health Department, has said the people who reported symptoms are the "tip of the iceberg." Delegate Meshea Poore, D-Kanawha, said Dr. Letitia Tierney, the commissioner of the Bureau for Public Health, had been inconsistent in her messages to lawmakers on the need for more study. Tierney told a House committee earlier this week the bureau could do the study without legislation, but Poore and other delegates wanted to make sure the bureau did it, no matter who was in charge. "Ms. Tierney, while she could keep her position, she might not be there next year," Poore said. Lawmakers defeated a provision that would allow people to sue their water company, nearby chemical tank-owners, the Bureau for Public Health or the DEP to enforce the provisions of the bill. The House passed a provision that would require West Virginia American to install an early warning monitoring system that could alert plant operators to the presence of contaminants in source water.

DEP proposes \$2.3 million fine for 2008 gasoline spill from Sunoco pipeline

STATE IMPACT PENNSYLVANIA A 12,000-gallon gasoline spill from a ruptured pipeline in Westmoreland County in 2008 could cost Sunoco Logistics Partners more than \$2.3 million in civil penalties from the state. The Department of Environmental Protection filed a complaint Friday with the Pennsylvania Environmental Hearing Board asking it to impose a fine of at least \$2.38 million against Sunoco Logistics and its subsidiary Sunoco Pipeline. The November 2008 spill in Murrys ville contaminated Turtle Creek and killed nearly all of the aquatic life in a three-mile stretch of the waterway, triggered evacuations of homes and businesses, and shut down U.S. Route 22 for hours in the community 20 miles east of Pittsburgh. Mistakes during maintenance on the 8-inch interstate pipeline caused a plug to blow out, which "forced the gasoline to fountain twenty (20) to thirty (30) feet into the air" and rain "down onto and into nearby businesses, parking lots, and the surrounding soils and surfaces," DEP said in its complaint. Federal pipeline regulators said the incident caused \$1.1 million in property damage but no injuries. "This was a major event," DEP spokesman John Poister said. "Most of the businesses affected had to be decontaminated and did not reopen for a month." Sunoco delayed operating a continuous pumping system that regulators had recommended until May 2010, so contaminants in a cutoff trench continued to leach into Turtle Creek long after the initial spill, DEP said in the complaint. Despite Sunoco's cleanup efforts, regulators found gasoline or its constituent chemicals in groundwater under or near the site on 189 separate occasions between November 2008 and June 2013. Sunoco has made progress, Poister said, but the site has not yet been completely cleaned up. Sunoco spokesman Jeff Shields said in a statement that the company disputes DEP's allegations as well as its characterization of the events in the complaint.

Commissioners back plea to end EPA rule making

HARRISBURG PATRIOT NEWS Perry County commissioners, in cooperation with officials from several other Pennsylvania counties, are supporting an appeal that would reverse a ruling allowing the U.S. Environmental Protection Agency to restrict water runoff flowing into the Chesapeake Bay. Commissioners have backed the effort to ask the Third Circuit Court of Appeals to end the EPA's ability to create rules that affect farming and municipal water flow. The appeal is a result of federal district court Judge Sylvia Rambo's decision to reject the American Farm Bureau's challenge to the Chesapeake Bay total daily maximum load, according to an EPA spokesman. A total daily maximum load is the amount of sediment allowed to pass from municipal property into the Chesapeake Bay. Pennsylvania Farm Bureau spokesman Mark O'Neill said while the EPA has the right to establish the daily load, the appeal opposes the fact that the EPA has the right to tell landowners how to reach it. "Say you want to add a hog operation or double the size of a dairy heard, the way this is set up, the EPA can say, 'No you can't do that.' " EPA agricultural adviser Kelly Shenk said sediment flowing into the bay from farming, storm water runoff and sewage systems can be harmful to wildlife — not just in the bay, but in local waters as well. "It's not good for the trout population in local waters." O'Neill said some EPA regulation is necessary, but added that the EPA may have taken it too far. "The main issue behind this is that we're not against cleaning up the bay." However, the existing regulations could result in a significant loss of cropped land. "The EPA itself projects that roughly 20 percent of cropped land in the watershed, which is equivalent to about 600,000 acres, will have to be removed from production," O'Neill said.

Harbor Point construction could begin by end of the month

BALTIMORE SUN Regulators give green light to new air quality tests. Environmental regulators said Wednesday that construction on the Harbor Point project in Baltimore could begin by the end of the month, after they approved a plan to measure air quality at the former factory site laced with toxic chemicals. Harbor Point developers will begin taking samples Thursday to establish a baseline for air quality near the project, where construction plans call for temporary exposure of contaminated soil. State and federal regulators still must approve a plan to monitor the air quality while construction is underway. They said they will review the samples before giving the final go-ahead, but, barring unexpected results, expect it to be similar to the plan they approved. Final approval could come as early as the end of the month, said Horacio Tablada, the Maryland Department of the Environment's director of land management administration. "It's an important step toward starting the project," said Marco Greenberg, vice president of Beatty Development Group, the company that is developing the site. "It's taken several months, a lot of back and forth, a lot of hard work on the part of our team and certainly on the part of the regulators. It was good to get it done."

State urged to reject proposed coal mine in Washington County

PITTSBURGH POST-GAZETTE An environmental group on Thursday delivered more than 3,400 letters urging the state Department of Environmental Protection to reject a plan for a new Washington County coal mine. RAMACO, the Kentucky coal company pushing the project,

said the objections, including from two state legislators, will not derail its plans. The Center for Coalfield Justice, a nonprofit in Washington, Pa., partially supported by the Heinz Endowments, delivered the letters to the DEP's District Mining Office in California to demonstrate what it says is overwhelming opposition to the proposed mine off Little Mingo Road near Mingo Creek County Park. "I think it's quite clear that they are not welcome in Nottingham Township," said Patrick Greuter, an attorney and the group's executive director. In separate letters, state Sen. Tim Solobay, D-Canonsburg, and Rep. Rick Saccone, R-Elizabeth Township, have both urged the company to withdraw its proposal because of the increased truck traffic, environmental impact and threats to property values, among other factors. Mr. Greuter said the Nottingham board of supervisors issued a conditional-use permit for the mine, which is in an agricultural zone, but placed more than 60 restrictions on the permit, including hours of operation for trucks, planting foliage as a buffer, mandating a truck wash to minimize dust and a sound barrier. John Poister, a DEP spokesman, said RAMACO filed a "pre-application" with the state in June for an underground mining permit but must address a lengthy list of deficiencies before it can proceed in the permitting process, including a plan to use an adjacent abandoned mine and an existing DEP water treatment plant to handle wastewater from the new mine. "We have a lot of questions about that," said Mr. Poister, including whether the existing facility has the capacity to take on the additional wastewater stream.

Gas industry groups seek to intervene in Act 13 case

STATE IMPACT PENNSYLVANIA Pennsylvania's three major gas industry trade groups have filed a petition to intervene in the ongoing court battle over the state's oil and gas law, known as Act 13. In December, the state Supreme Court struck down portions of the 2012 law that restricted the ability of local governments to zone oil and gas development, but the justices left a number of matters unresolved and sent the case back to the lower Commonwealth Court. The court is now reviewing, among other things, whether the rest of Act 13 can stand without the sections that were struck down. The case is primarily between local governments who challenged the law and the Commonwealth of Pennsylvania. However, attorneys representing the Marcellus Shale Coalition, the American Petroleum Institute, and the Pennsylvania Independent Oil and Gas Association filed a petition today arguing they should also be part of the case. "Because key provisions of Act 13 were struck down, there are significant questions regarding the certainty of investments and ability for the natural gas industry to develop across the Commonwealth that necessitated our motion to intervene," says Stephanie Catarino Wissman, Executive Director of API's Pennsylvania's division. The petition points out that oil and gas operators have paid over \$400 million so far in Act 13 impact fees. The attorneys argue the industry has a "distinct and unique interest" in whether the court upholds the fee.

Brockovich Says Concerns Remain Over MCHM In Water Tanks, Appliances

CHARLESTON, W.Va. – WCHS-TV 8 CHARLESTON Environmental and legal activist Erin Brockovich said concerns remain that MCHM sticks to plumbing and fixtures in water systems affected by the West Virginia water crisis. In a statement posted on her website this week, Brockovich asked many gallons of water it would take to remove the chemical from water heaters and other appliance reservoirs. Brockovich said

those using the water should remain vigilant, and that she believed the water was safer to use for cleaning if it was odor free and appeared clear. "Myself, I would continue to wait for the system to be confirmed chemically free and then thoroughly flush and drain the water system before using it for drinking or cooking," Brockovich wrote. Brockovich and her legal team have visited West Virginia to investigate the situation, following the spill of 10,000 gallons of MCHM at Freedom industries Elk River facility, which contaminated the water supply to 300,000 West Virginians in nine counties. Brockovich said her team is working on its legal strategy and doesn't want to "get caught up in the wasteful time delay tactic of bankruptcy court."

Frustration rises as long-term impact of spill goes unanswered

SOUTH BOSTON NEWS AND RECORD (Va.) A month into the coal ash spill on the Dan River, some local businesses and organizations on the river basin are growing increasingly frustrated by the lack of information on the long-term impact of the disaster. At Bobcat's Bait and Tackle in Clarksville, Bobby "Bobcat" Whitlow says the phone began ringing almost immediately at his shop as anglers called to ask about the spill and its impact on Buggs Island Lake. "People wanted to know if it was safe to fish, or go near the water," said Whitlow. Clearly, his customers — many who hail from outside the area — were worried, but "I had no answers for them. I knew only what I read in the paper," he said. Shortly after he heard about the release of coal ash from Duke Energy's Dan River Steam Station in Eden, N.C., Whitlow said he put his boat in on the Dan River to witness the effects downstream. The water was gray, instead of its usual brown. "You could tell right away something wasn't right." Since he wasn't fishing that day, Whitlow said he could not tell if the spill was having an impact on the fish. Whitlow, whose livelihood and passion for fishing go hand-in-hand — he sponsors or is affiliated with several local and regional tournaments — is also frustrated by the lack of answers coming from "the experts." He says it's all well and good that Duke Energy has accepted responsibility for the spill, and that water tests are showing no discernible problems, but he's more worried about the fish and the sediment where these toxic chemicals will settle.

Company Fined For Deadly Blast

WHEELING INTELLIGENCER NEW CUMBERLAND - A U.S. District Court judge has approved a negotiated settlement that resolves the federal government's civil case against New Cumberland metal recycler AL Solutions Inc. The case stems from a Dec. 9, 2010, explosion at the South Chester Street plant that killed three AL Solutions employees - brothers James Eugene Fish, 38, and Jeffrey Scott Fish, 39, both of New Cumberland, and Steven Swain, 27, of Weirton. The Fish brothers were pronounced dead at the scene, and Swain succumbed to injuries he suffered in the blast four days later in a Pittsburgh hospital. The accident triggered investigations by the U.S. Environmental Protection Agency, the Occupational Safety and Health Administration and the U.S. Chemical Safety Board - as well as wrongful death lawsuits by the Fish brothers' estates and the family of Steven Swain. The federal settlement brings some closure to an incident that shook New Cumberland - literally and figuratively - more than three years ago, even as the lawsuits continue to make their way through Hancock County Circuit Court. "We intend to push the case towards trial," said Weirton attorney Mark Colantonio, who, with Robert Fitzsimmons, is representing the Fish family. Attorney Eric Frankovitch is representing

the Swain family. The settlement, recently signed by U.S. District Court Judge Frederick P. Stamp Jr. of the Northern District of West Virginia, resolves a series of Clean Air Act charges stemming from the accident and filed jointly by EPA and OSHA. "Our combined efforts have resulted in settlements that provide a comprehensive framework for the company to build cutting-edge safeguards into its processes in order to protect people and the environment," said EPA Regional Administrator Shawn M. Garvin.

PENNSYLVANIA

PHILADELPHIA INQUIRER

Clean Energy to operate Peco's nat-gas fuel stations Clean Energy Fuels Corp., operator of a nationwide network of natural-gas vehicle fueling stations, is taking over and spiffing up Peco Energy Co.'s six suburban fueling stations, the company said Wednesday. Peter Grace, senior vice president of sales and finance, said Clean Energy plans to spend \$5 million to \$10 million upgrading the 20-year-old stations and opening them to the public. "They're old — they are tired," said Grace. "The plan is to get them up to today's standards." The stations are located at Peco facilities in Berwyn, Eddystone, Plymouth Meeting, Phoenixville, Coatesville and Warminster. They are now available only to customers with pre-arranged fueling cards. The upgrades will include adding credit-card equipment so they are available to anybody with a vehicle that uses compressed natural gas (CNG). Clean Energy's specialty is operating fuel stations and signing up fleet operators, especially owners of heavy-duty vehicles. Peco will continue to supply natural gas to the facilities. Clean Energy already operates seven of the 16 public CNG stations in the region, including outlets at Philadelphia International Airport, Fairless Hills, Camden, Glassboro and Atlantic City, according to the federal Alternative Fuels Data Center (www.afdc.energy.gov).

PITTSBURGH POST-GAZETTE

State urged to reject proposed coal mine in Washington County An environmental group on Thursday delivered more than 3,400 letters urging the state Department of Environmental Protection to reject a plan for a new Washington County coal mine. RAMACO, the Kentucky coal company pushing the project, said the objections, including from two state legislators, will not derail its plans. The Center for Coalfield Justice, a nonprofit in Washington, Pa., partially supported by the Heinz Endowments, delivered the letters to the DEP's District Mining Office in California to demonstrate what it says is overwhelming opposition to the proposed mine off Little Mingo Road near Mingo Creek County Park. "I think it's quite clear that they are not welcome in Nottingham Township," said Patrick Greuter, an attorney and the group's executive director. In separate letters, state Sen. Tim Solobay, D-Canonsburg, and Rep. Rick Saccone, R-Elizabeth Township, have both urged the company to withdraw its proposal because of the increased truck traffic, environmental impact and threats to property values, among other factors. Mr. Greuter said the Nottingham board of supervisors issued a conditional-use permit for the mine, which is in an agricultural zone, but placed more than 60 restrictions on the permit, including hours of operation for trucks, planting foliage as a buffer, mandating a truck wash to minimize dust and a sound barrier. John Poister, a DEP spokesman, said RAMACO filed a "pre-application" with the state in June for an underground mining permit but must address a lengthy

list of deficiencies before it can proceed in the permitting process, including a plan to use an adjacent abandoned mine and an existing DEP water treatment plant to handle wastewater from the new mine. "We have a lot of questions about that," said Mr. Poister, including whether the existing facility has the capacity to take on the additional wastewater stream.

Fish consumption aids in heart health, Pitt study finds Japanese men eat about 10 times more fish than Caucasian American men. That dietary fact could help explain why middle-aged Japanese men have less than a third the rate of coronary artery calcification than their American counterparts. An international study involving the University of Pittsburgh Graduate School of Public Health has found that fish consumption may have advantages in heart health. But the level of marine-derived omega-3 acids consumed must be higher than previously thought to impact substantial protection, said Akira Sekikawa, a Pitt associate professor of epidemiology and the study's lead author.

PITTSBURGH TRIBUNE REVIEW

Alpha Natural Resources to pay record \$227.5M in water pollution settlement Coal producer Alpha Natural Resources Inc. has agreed to \$227.5 million in penalties and other costs to settle federal allegations that it illegally dumped large amounts of toxins into waterways in Pennsylvania and four other states for seven years. "Today's agreement is good news for communities across Appalachia, who have too often been vulnerable to polluters who disregard the law," said Robert G. Dreher, acting assistant attorney general for the Justice Department's Environment and Natural Resources Division. The company will pay \$27.5 million in penalties and spend \$200 million upgrading its wastewater treatment systems to reduce illegal discharges under the settlement filed on Wednesday in federal court in West Virginia. The fine is the largest assessed under federal clean water rules. Four Western Pennsylvania mines were involved in the case. The state Department of Environmental Protection, which was part of the negotiations, said the state will get \$4.125 million from the fines to use in clean water programs. Alpha's mines dumped illegally high amounts of iron, aluminum, selenium and other pollutants at least 6,289 times, creating a risk to aquatic life, according to the federal Environmental Protection Agency. "Finally. This was a long haul," said Aimee Erickson, executive director at the Citizens Coal Council in Bridgeville. Her group has filed its own lawsuit against Alpha and told EPA about Alpha's own records showing high pollution levels in 2010. "(Alpha has) been polluting for so long. As long as they got away with it, they kept doing it."

Connellsville to consider joining Mid-Mon Valley Regional Enterprise Zone Connellsville City Council will hold a special meeting Thursday to join an organization created to improve economic conditions in municipalities. "If we pass this resolution ...

STATE IMPACT PENNSYLVANIA

DEP proposes \$2.3 million fine for 2008 gasoline spill from Sunoco pipeline A 12,000-gallon gasoline spill from a ruptured pipeline in Westmoreland County in 2008 could cost Sunoco Logistics Partners more than \$2.3 million in civil penalties from the state. The Department of Environmental Protection filed a complaint Friday with the Pennsylvania Environmental Hearing Board asking it to impose a fine of at least \$2.38 million against Sunoco Logistics and its subsidiary Sunoco Pipeline. The November 2008 spill in Murrysburg contaminated Turtle Creek and killed nearly all of the aquatic life in a three-mile stretch of the waterway, triggered

evacuations of homes and businesses, and shut down U.S. Route 22 for hours in the community 20 miles east of Pittsburgh. Mistakes during maintenance on the 8-inch interstate pipeline caused a plug to blow out, which “forced the gasoline to fountain twenty (20) to thirty (30) feet into the air” and rain “down onto and into nearby businesses, parking lots, and the surrounding soils and surfaces,” DEP said in its complaint. Federal pipeline regulators said the incident caused \$1.1 million in property damage but no injuries. “This was a major event,” DEP spokesman John Poister said. “Most of the businesses affected had to be decontaminated and did not reopen for a month.” Sunoco delayed operating a continuous pumping system that regulators had recommended until May 2010, so contaminants in a cutoff trench continued to leach into Turtle Creek long after the initial spill, DEP said in the complaint. Despite Sunoco’s cleanup efforts, regulators found gasoline or its constituent chemicals in groundwater under or near the site on 189 separate occasions between November 2008 and June 2013. Sunoco has made progress, Poister said, but the site has not yet been completely cleaned up. Sunoco spokesman Jeff Shields said in a statement that the company disputes DEP’s allegations as well as its characterization of the events in the complaint.

Lt. Governor Cawley: Chesapeake Energy royalty practices are ‘egregious’ (Audio link)
Lieutenant Governor Jim Cawley sat down with StateImpact Pennsylvania recently to talk about how the Corbett administration is handling allegations of fraud against the state’s biggest natural gas driller—Chesapeake Energy. Corbett recently reached out to state Attorney General Kathleen Kane and asked her to investigate complaints the company is cheating Pennsylvania landowners out of royalty money. For an overview of the issue, listen to our audio report:

Gas industry groups seek to intervene in Act 13 case Pennsylvania’s three major gas industry trade groups have filed a petition to intervene in the ongoing court battle over the state’s oil and gas law, known as Act 13. In December, the state Supreme Court struck down portions of the 2012 law that restricted the ability of local governments to zone oil and gas development, but the justices left a number of matters unresolved and sent the case back to the lower Commonwealth Court. The court is now reviewing, among other things, whether the rest of Act 13 can stand without the sections that were struck down. The case is primarily between local governments who challenged the law and the Commonwealth of Pennsylvania. However, attorneys representing the Marcellus Shale Coalition, the American Petroleum Institute, and the Pennsylvania Independent Oil and Gas Association filed a petition today arguing they should also be part of the case. “Because key provisions of Act 13 were struck down, there are significant questions regarding the certainty of investments and ability for the natural gas industry to develop across the Commonwealth that necessitated our motion to intervene,” says Stephanie Catarino Wissman, Executive Director of API’s Pennsylvania’s division. The petition points out that oil and gas operators have paid over \$400 million so far in Act 13 impact fees. The attorneys argue the industry has a “distinct and unique interest” in whether the court upholds the fee. “This Court’s decision will materially affect the legal landscape for the oil and gas industry,” they write. “No current party to this case must actually plan for, finance, and comply with Act 13’s extensive list of regulatory requirements.” Jordan Yeager is an attorney who represents local governments who challenged Act 13. He says he would be surprised if the court allows the trade groups to be a party to the case. “It’s really a lot of lawyering,” he says. “The industry tried this before, and the court said no. There are no new claims in the case. They don’t get to revisit questions the court has already decided.”

HARRISBURG PATRIOT NEWS

Commissioners back plea to end EPA rule making Perry County commissioners, in cooperation with officials from several other Pennsylvania counties, are supporting an appeal that would reverse a ruling allowing the U.S. Environmental Protection Agency to restrict water runoff flowing into the Chesapeake Bay. Commissioners have backed the effort to ask the Third Circuit Court of Appeals to end the EPA's ability to create rules that affect farming and municipal water flow. The appeal is a result of federal district court Judge Sylvia Rambo's decision to reject the American Farm Bureau's challenge to the Chesapeake Bay total daily maximum load, according to an EPA spokesman. A total daily maximum load is the amount of sediment allowed to pass from municipal property into the Chesapeake Bay. Pennsylvania Farm Bureau spokesman Mark O'Neill said while the EPA has the right to establish the daily load, the appeal opposes the fact that the EPA has the right to tell landowners how to reach it. "Say you want to add a hog operation or double the size of a dairy herd, the way this is set up, the EPA can say, 'No you can't do that.'" EPA agricultural adviser Kelly Shenk said sediment flowing into the bay from farming, storm water runoff and sewage systems can be harmful to wildlife — not just in the bay, but in local waters as well. "It's not good for the trout population in local waters." O'Neill said some EPA regulation is necessary, but added that the EPA may have taken it too far. "The main issue behind this is that we're not against cleaning up the bay." However, the existing regulations could result in a significant loss of cropped land. "The EPA itself projects that roughly 20 percent of cropped land in the watershed, which is equivalent to about 600,000 acres, will have to be removed from production," O'Neill said.

WASHINGTON OBSERVER-REPORTER

Wellheads secure at Lanco site Now that Wild Well Control and Chevron successfully replaced the wellhead Saturday on the third well at the Lanco site in Dunkard Township, work will shift to installing plugs about 8,000 feet below the surface in all three wells as an extra layer of protection to relieve any pressure on the wellheads. Lee Ann Wainwright, a Chevron spokeswoman, said Monday over the last few days workers conducted tests to assess the integrity of the Lanco 8H well, after previously capping the 7H and 6H wells. The testing included inspecting the seals on the well head and testing the integrity of the valves and ports. "We then successfully installed a valve that shuts off the gas flow and replaced the wellhead on the Lanco 8H well. With the actions taken this weekend, all three wells on the Lanco pad are now secure. She said Chevron is continuing to conduct its investigation into the cause of the incident in cooperation with the Pennsylvania Department of Environmental Protection and all appropriate regulatory authorities. An explosion at the well pad Feb. 11 left one worker with minor injuries and another worker dead. The worker who died was later identified as Ian McKee, 27, a native of Warren, who was employed as a field representative for Cameron International. John Poister, a DEP spokesman, said the agency has had personnel at the site since the explosion, and has already collected much information though it is still too early to cite a cause, he said. The two wells on the pad impacted by the explosion burned until Feb. 15 when they extinguished themselves. The wells, however, continued to release gas until they were sealed by workers from Wild Well Control of Houston, Texas, a company that specialized in fighting well fires. DEP has been monitoring air quality around the site and has found nothing that would indicate a danger.

Letter: Unattainable EPA standards threaten jobs Thank you for your comprehensive article, “Consumers deal with skyrocketing electric bills,” which appeared in the March 1 edition. Many Pennsylvanians suddenly face significantly higher electric bills this winter, and as you pointed out, the Public Utility Commission has been inundated with complaints. Pennsylvania is a leading energy-producing state, and coal is an integral part of our economy and our energy mix. Coal-fired electricity is more affordable and less variable in price than other energy sources, and emissions of sulfur, nitrogen and particulates have been greatly reduced. Modern coal-fired energy burns 90 percent cleaner than it did in previous decades. Unfortunately, the new standards imposed by the EPA are unachievable with current technology. While one day we will have the technology to comply with these regulations, we’re not there yet. These unattainable standards threaten to close hundreds of coal-fired plants, which would further drive up energy prices, as well as eliminate thousands of family-sustaining jobs. We don’t have to choose between having a clean environment and preserving jobs. If federal regulators would work collaboratively with energy stakeholders, we could have both

WILKES-BARRE CITIZENS VOICE

DEP awards contract for work on abandoned mine fire The state Department of Environmental Protection awarded a \$266,765 contract for site work at an abandoned mine fire in Newport and Hanover townships. The contract was awarded to Armstrong Drilling Inc. of Murrysville, state Rep. Gerald Mullery, D-Newport Township, said in a press release. Project completion is anticipated by Oct. 6. Work at the site of the Hanover Reservoir fire will include implementation of an erosion and sediment control plan and borehole drilling and sealing, the release said. The coal fire is one of eight active in Luzerne and Lackawanna counties. DEP classifies the fire as “moderate” because it burns more than 1,000 feet from a structure.

WASHINGTON, D.C.

WASHINGTON POST

Winter’s freeze stopped ash borers and stink bugs cold, but they’re primed for a comeback This winter is a real killer. The deep freeze, with arctic blasts from the polar vortex, has put invasive insects on ice in dozens of states. That includes the emerald ash borer, a pretty bug that does ugly things to ecosystems it invades. Up to 80 percent of the ash borers died when January temperatures dipped below minus 20 degrees Fahrenheit in St. Paul, Minn., according to an estimate by U.S. Forest Service biologists, who have been conducting studies on the impact of cold weather on the bugs for the past three years. Their estimates were affirmed when state researchers found that nearly 70 percent of ash borers collected from infected trees in the Twin Cities area last month were frozen stiff — a good thing for ash trees that adorn communities and provide smooth, durable wood used for flooring, bowling alleys, church pews, baseball bats and electric guitars.

Federal Eye: Q&A: What does Obama’s budget plan mean for feds? The broader effects of President Obama’s 2015 budget proposal are well-known by now: Taxes and spending would go up, while deficits, joblessness and poverty would theoretically decline. But what about the impact on the federal workforce? Federal Diary columnist Joe Davidson and Washington Post

reporter Eric Yoder answered readers' questions about that topic during a live online chat on Wednesday. Check out the discussion to see whether they addressed your concerns.

Obama budget would require 'difficult choices' for Homeland Security President Obama's 2015 budget would reduce overall Homeland Security funding by nearly 3 percent but spend more on some of the department's most expensive agencies. The net reduction would create new challenges for a sprawling 10-year-old organization trying to deal with evolving threats that involve terrorism, cybersecurity, natural disasters and border management. Homeland Security Secretary Jeh Johnson said in a statement on Tuesday that the budget blueprint provides adequate funding to meet DHS's basic mission requirements, but he added that the cuts would require "difficult choices to align resources to address the greatest needs of the department." Under the White House proposal, DHS would receive \$38.2 billion next year, compared to \$39.3 billion in 2014. Despite that proposed cut, some of the department's individual agencies would see substantial increases.

WAMU-RADIO (NPR)

With Matching Funds, Feds Take Major Step On Maryland's Purple Line As supporters of the Purple Line in Montgomery and Prince George's Counties applaud the U.S. Department of Transportation's move to recommend the light rail project for \$100 million in federal funding in FY2015, opponents say the Obama administration is failing to investigate the environmental impacts posed by the \$2.4 billion project.

WEST VIRGINIA

CHARLESTON GAZETTE

House approves chemical storage tank bill, 95-0 CHARLESTON, W.Va. -- After more than a month of debate by three committees, a half dozen hearings and about 100 amendments, the West Virginia House of Delegates has unanimously passed a bill in response to January's Elk River chemical leak. Everyone agreed on the need for a bill -- it passed 95-0 - but no one could quite agree on what should be in it. On Wednesday, for the third time this week, the House debated and tinkered late into the night on a bill regulating above-ground storage tanks, like the one at the Freedom Industries tank farm that contaminated the drinking water of 300,000 people. Now that the bill has cleared the House, the differences with the Senate's version must be ironed out and both bodies must re-approve the bill by Saturday night. The House amended the bill to require the Bureau for Public Health to conduct a long-term study of health effects resulting from the chemical leak. Both state and federal agencies are currently evaluating the records of more than 500 people who went to area hospitals reporting symptoms related to the water crisis, but are not currently doing more extensive studies of the population. In advocating for more monitoring, Dr. Rahul Gupta, executive director of the Kanawha-Charleston Health Department, has said the people who reported symptoms are the "tip of the iceberg." Delegate Meshea Poore, D-Kanawha, said Dr. Letitia Tierney, the commissioner of the Bureau for Public Health, had been inconsistent in her messages to lawmakers on the need for more study. Tierney told a House committee earlier this week the bureau could do the study without legislation, but Poore

and other delegates wanted to make sure the bureau did it, no matter who was in charge. "Ms. Tierney, while she could keep her position, she might not be there next year," Poore said. Lawmakers defeated a provision that would allow people to sue their water company, nearby chemical tank-owners, the Bureau for Public Health or the DEP to enforce the provisions of the bill. The House passed a provision that would require West Virginia American to install an early warning monitoring system that could alert plant operators to the presence of contaminants in source water.

Editorial: Water bill weak enough What does it take to get some meaningful action around here? A surprise chemical leak — that should have been a surprise to no one in a position to prevent it — that shuts down the local economy for days and continues to affect a nine-county area? Apparently not. A mild bill to better monitor and regulate above ground storage tanks has been written and rewritten in the Senate and now in the House. Headed to the House floor in the final days of the session, it's pretty much a mess:

- * The House Finance Committee passed a version of SB 373 on Monday, but first eliminated a provision to require a long-term state study of health impacts of the Jan. 9 spill. Delegate Meshea Poore's provision should be restored.

- * House Finance also removed a requirement for "early warning" spill sensors for West Virginia American Water's Elk River plant. The water company's scare tactics worked. On sober reflection, House members should restore this provision.

- * Finance Committee members also deleted a requirement for tougher permitting of water pollution sources near drinking water supplies. Put it back.

- * House leaders wisely removed the industry-written exemptions that Gov. Tomblin asked for and got the Senate to include in their versions of the bill. Industry lobbyists are pushing to put them back in. House Speaker Tim Miley should not allow it. Senate President Jeff Kessler should go along with a mostly exemption-free House bill.

- * Lawmakers removed language that would allow residents to force — by lawsuit if necessary — the state DEP, Bureau of Public Health or companies to comply with the bill. Sometimes, that is the only way things get done.

- * It's too secretive. Current law already allows plenty of homeland security exemptions from the state's Freedom of Information Act. West Virginians don't need more FOIA exemptions in this bill to hide important chemical safety information.

- * By some mishap — one hopes — a version of this bill would apply only to tanks that store 1,320 gallons. It should apply to facilities that store at least that amount, which could be in several tanks. Seriously, House leaders, straighten this stuff out.

- * West Virginia American Water has shown almost no interest in a second, emergency intake for its Charleston plant, so the Legislature should require the company to hire a trustworthy outside expert to report to the public on the feasibility of various options.

It's not enough to mouth concerns about public health. At some point, someone has to make sure the water is safe — and stays that way.

Gas drilling boom accelerates with little study of public health effects A new study has underscored just how little is known about the health consequences of the natural gas boom that began a decade ago, when advances in high-volume hydraulic fracturing, or fracking, and directional drilling allowed companies to tap shale deposits across the United States. "Despite broad public concern, no comprehensive population-based studies of the public health effects of

[unconventional natural gas] operations exist," concluded the report published Monday in the peer-reviewed journal Environmental Science & Technology. Last week, InsideClimate News, the Center for Public Integrity and The Weather Channel reported on the health data gap in the Eagle Ford Shale, where a lack of air monitoring and research is aggravated by a Texas regulatory system that often protects the gas and oil industry over the public. Scientists interviewed for the series said the uncertainties persist across the country. In the words of one expert, scientists "really haven't the foggiest idea" how shale development impacts public health. Gas and oil production releases many toxic chemicals into the air and water, including carcinogens like benzene and respiratory hazards like hydrogen sulfide. While residents near drilling areas in Texas reported symptoms that are known to be caused by these chemicals, including migraines and breathing problems, it was impossible to link them to the drilling boom because no studies could be found that prove cause and effect. The new study, led by John Adgate at the Colorado School of Public Health, examined available research on the environmental, social and psychological impacts of shale gas drilling. It was the first time anyone had tried to tackle the question in a systematic way, Adgate said. The researchers found that much of the existing work "isn't explicitly tied to health." Many studies analyzed the level of pollutants in the air or water, but didn't track how the exposures are connected to local health trends. Other studies used health surveys, but didn't compare the respondents' results with the health of the larger surrounding community.

Blog: Is this really about protecting coal miners? It was fascinating to listen earlier today as members of the House of Delegates approved a little-noticed piece of legislation called [SB 603](#). In explaining the bill and several amendments to fellow delegates, House Judiciary Chairman Tim Manchin was saying that the bill's purpose was to set a state limit on methane — the concentration at which mining machines would automatically shut off to avoid explains — more stringent than that set by the federal government's Mine Safety and Health Administration. Well, it's true that West Virginia law contains a methane shutoff concentration that is more stringent — lower — than the 2.0 percent set by MSHA, that's not at all what this bill was *really* about. What this particular bill is actually all about is fixing the situation that the Tomblin administration and lawmakers got themselves into when they wrote their post-Upper Big Branch Mine Disaster law two years ago, and wanted to make that law — miserably weak though it was — sound like it was a major accomplishment. Along the way, the bill actually increases the amount of methane allowed before mining machines will shut off, and it protects members of the state's Board of Coal Mine Health and Safety from having to do their jobs.

Blog: What happened to the Chemical Safety Board plan? In the early days of West Virginia's ongoing water crisis, one of the stories we focused on at the Gazette was this: *Three years ago this month, a team of federal experts urged the state of West Virginia to help the Kanawha Valley create a new program to prevent hazardous chemical accidents. The U.S. Chemical Safety Board recommended the step after its extensive investigation of the August 2008 explosion and fire that killed two workers at the Bayer CropScience plant in Institute. Since then, the proposal has gone nowhere. The state Department of Health and Human Resources hasn't stepped in to provide the legal authority the Kanawha-Charleston Health Department needs to start such a program. And Kanawha County officials never funded the plan, and seldom mention that the CSB recommendation was even made. Now, with more than 300,000 residents across the Kanawha Valley without usable water following a chemical accident at Freedom Industries on*

the Elk River, some local officials say it's time for action. "We'd had their recommendation on the books for several years now," said Dr. Rahul Gupta, director of the local health department. "This gives us another opportunity to look at what they recommended."

CHARLESTON DAILY MAIL

Editorial: A clean bill is a fine bill Governmental bodies such as legislatures and regulatory agencies have a penchant for making things overly complicated. They often try to do too much. Such is the case with the West Virginia House of Delegates' consideration of Senate Bill 373, intended to identify and regulate above-ground storage tanks and prevent another water crisis. While the Senate quickly adopted and sent to the House the proposed law, the House Judiciary Committee added many amendments, some of which were subtracted in the House Finance Committee. The full House was considering the bill late Wednesday. While there is much debate on what the bill should and should not include, legislators should remember to keep it focused. Yes, the bill obviously needs to include a reasonable, workable and actionable groundwork for regulations on above-ground storage tanks to prevent future leaks into waterways and public water supplies. Yes the bill needs to include standards for spill prevention and response. Yes, the bill needs to include water-intake protection standards. While many other thoughts are being discussed, those provisions are the gist of what's needed in this particular bill to prevent a repeat of an event like the Freedom Industries spill that contaminated the water supply for 300,000 West Virginia residents.

WCHS-TV CHARLESTON

Brockovich Says Concerns Remain Over MCHM In Water Tanks, Appliances CHARLESTON, W.Va. – Environmental and legal activist Erin Brockovich said concerns remain that MCHM sticks to plumbing and fixtures in water systems affected by the West Virginia water crisis. In a statement posted on her website this week, Brockovich asked many gallons of water it would take to remove the chemical from water heaters and other appliance reservoirs. Brockovich said those using the water should remain vigilant, and that she believed the water was safer to use for cleaning if it was odor free and appeared clear. "Myself, I would continue to wait for the system to be confirmed chemically free and then thoroughly flush and drain the water system before using it for drinking or cooking," Brockovich wrote. Brockovich and her legal team have visited West Virginia to investigate the situation, following the spill of 10,000 gallons of MCHM at Freedom industries Elk River facility, which contaminated the water supply to 300,000 West Virginians in nine counties. Brockovich said her team is working on its legal strategy and doesn't want to "get caught up in the wasteful time delay tactic of bankruptcy court."

WHEELING INTELLIGENCER

Company Fined For Deadly Blast NEW CUMBERLAND - A U.S. District Court judge has approved a negotiated settlement that resolves the federal government's civil case against New Cumberland metal recycler AL Solutions Inc. The case stems from a Dec. 9, 2010, explosion at the South Chester Street plant that killed three AL Solutions employees - brothers James Eugene Fish, 38, and Jeffrey Scott Fish, 39, both of New Cumberland, and Steven Swain, 27, of Weirton. The Fish brothers were pronounced dead at the scene, and Swain succumbed to injuries he suffered in the blast four days later in a Pittsburgh hospital. The accident triggered investigations by the U.S. Environmental Protection Agency, the Occupational Safety and Health Administration and the U.S. Chemical Safety Board - as well as wrongful death lawsuits by the

Fish brothers' estates and the family of Steven Swain. The federal settlement brings some closure to an incident that shook New Cumberland - literally and figuratively - more than three years ago, even as the lawsuits continue to make their way through Hancock County Circuit Court. "We intend to push the case towards trial," said Weirton attorney Mark Colantonio, who, with Robert Fitzsimmons, is representing the Fish family. Attorney Eric Frankovitch is representing the Swain family. The settlement, recently signed by U.S. District Court Judge Frederick P. Stamp Jr. of the Northern District of West Virginia, resolves a series of Clean Air Act charges stemming from the accident and filed jointly by EPA and OSHA. "Our combined efforts have resulted in settlements that provide a comprehensive framework for the company to build cutting-edge safeguards into its processes in order to protect people and the environment," said EPA Regional Administrator Shawn M. Garvin.

MARYLAND

BALTIMORE SUN

Harbor Point construction could begin by end of the month Regulators give green light to new air quality tests. Environmental regulators said Wednesday that construction on the Harbor Point project in Baltimore could begin by the end of the month, after they approved a plan to measure air quality at the former factory site laced with toxic chemicals. Harbor Point developers will begin taking samples Thursday to establish a baseline for air quality near the project, where construction plans call for temporary exposure of contaminated soil. State and federal regulators still must approve a plan to monitor the air quality while construction is underway. They said they will review the samples before giving the final go-ahead, but, barring unexpected results, expect it to be similar to the plan they approved. Final approval could come as early as the end of the month, said Horacio Tablada, the Maryland Department of the Environment's director of land management administration. "It's an important step toward starting the project," said Marco Greenberg, vice president of Beatty Development Group, the company that is developing the site. "It's taken several months, a lot of back and forth, a lot of hard work on the part of our team and certainly on the part of the regulators. It was good to get it done."

Md. town looking to drive away Canadian geese Saying more information, discussion are needed, mayor blocks funding to hire Geese Police service.

Perryville's mayor and two town commissioners failed to act Tuesday on a proposal to hire a commercial service to drive away Canada geese from two town parks, after the mayor objected to moving so quickly.

Talk about environmental justice in Baltimore Forum at Hopkins to examine making city more humane amid climate change. How can Baltimoreans "strive for environmental justice for all citizens, particularly in the face of climate change?" That's one of the central questions to be tackled Thursday evening at a forum put on by the Friends of Maryland's Olmsted Parks & Landscapes. A panel of three speakers will address "the Olmsted Challenge: Fostering Environmental Justice for a More Humane City." Scheduled speakers are: Scot Spencer of the

Annie E. Casey Foundation; Kristin Baja of the city's Office of Sustainability and Morgan Grove, a research scientist with the U.S. Forest Service. The forum, which begins at 7 p.m., will be held at Mason Hall, the visitors center at Johns Hopkins University, 3101 Wyman Park Drive. The event is free. Parking is available for \$8 in an adjoining garage, or on the street.

BALTIMORE BREW

Harbor Point given OK to start air quality testing State and federal environmental officials have cleared the way for two weeks of air quality testing at Harbor Point – and have told the developer they will withhold final environmental approvals until after those results are in. In a letter from Edward M. Dexter, administrator of the solid waste program of the Maryland Department of the Environment, Beatty Development Group LLC was given the long-awaited green light for the air quality testing that will take place at three locations near the site where the Exelon Tower is slated to be built. The air quality testing and monitoring reporting was ordered late last year by the MDE and U.S. Environmental Protection Agency. Harbor Point is the former location of Allied Chemical, a site now owned by Honeywell International. The waterfront property was contaminated by toxic hexavalent chromium during decades of industrial work by Allied and predecessor companies. The three sites to undergo air quality testing beginning tomorrow are Harbor Point, the National Aquarium in the Inner Harbor and the Oldtown Fire Station on the east side, “where MDE maintains an ambient air quality monitoring station for other parameters,” Jay Apperson, a spokesman for MDE, told *The Brew* today.

City's point man for Harbor Pt. project reportedly resigns (Tuesday) Darrell A. Doan, who spearheaded \$106 million in TIF tax breaks and other incentives for the Harbor Point development, has resigned, informed sources tell *The Brew*. Doan, managing director of real estate at the Baltimore Development Corp. (BDC), did not respond to a phone call and email message tonight. Other officials at the agency could not be reached. Doan is not alone. Two other ranking BDC officials have reportedly given their notice over the past few days: John R. Thompson, responsible for the Westside Initiative and Superblock project now stalled in litigation, and Neil Davis, operations vice president at the Emerging Technology Center, a BDC subsidiary.

BALTIMORE BUSINESS JOURNAL

Beatty Development gets EPA clearance to start Exelon HQ construction at Harbor Point Harbor Point developer Beatty Development Group LLC plans to break ground on Exelon Corp.'s 648,000-square-foot regional headquarters tower by the end of the month. The development firm headed by Harbor East developer Michael Beatty on Tuesday received clearance from environmental regulators to begin air monitoring at the site, a key final step the company needed to begin before construction. Pre-construction air monitoring was required by the Environmental Protection Agency to establish the baseline air quality around the site, contains buried hexavalent chromium. The data gathered over the next 15 days will be compared to the air quality during construction to ensure chromium dust isn't escaping a protective cap that workers will pierce as they drive pilings to support the Exelon tower. Beatty Development had planned to break ground in January, but faced delays as the EPA and Maryland Department of the Environment reviewed plans and ordered changes. Marco Greenberg, a vice president at Beatty Development, said the delay “just pushes the whole project back two months.” “We expect Exelon will begin occupying the building in spring 2016,” Greenberg said. “We will deliver them the base building

and raw space on a rolling basis, and we expect the building will be fully occupied by the second quarter of 2016.”

MARYLAND GAZETTE NEWSPAPERS

Climate shift sows seeds of change in Montgomery County Paul Roberts has been producing wine in Friendsville in Garrett County for 17 years. Last year, for the first time, his growing season began in March — six weeks earlier than the historical timeline. It was “unprecedented,” he said. For farmers and gardeners, climate change is making the art of coaxing a flower to blossom or fruit to grow precarious and unpredictable. On Friday, horticulturists, biologists and activists talked about climate change in Montgomery County and how to adapt. They were part of a symposium called “Green Matters 2014: Gardening in a Changing Climate” at Brookside Gardens in Wheaton. A midwinter thaw or an early frost can kill many plants and ruin crops. With increasingly extreme and unpredictable weather due to climate change, plants’ health is at the whim of the weather. An early warm spell triggers fresh growth that is vulnerable to frost, Roberts said. When the growing season starts early, it means more nights for him to worry about the temperature dropping below freezing and damaging his crops.

CHESAPEAKE BAY JOURNAL

Farmer goes wild fostering native plants alongside organic produce The goal is to show how biodiversity creates value, both ecologically and financially. In many ways, the more than 400 acres that Nick Lapham manages and farms south of Virginia’s Shenandoah National Park is the wildest it has been since the 1750s. Native meadows flourish on scattered plots, abuzz with pollinators and busy with coveys of quail scurrying underfoot. Deer and bear wander over from the thickly wooded areas of the national park, helping themselves to apples and pears lingering in the orchard. (Bears don’t seem to mind the deer fences.) Salamanders and pickerelweed are as much a part of the operation as kale and winter squash. But that’s just the way Lapham, an environmentalist-turned-farmer, wants it. “It’s amazing to be an hour and 25 minutes from Washington, DC, and to tell people that you have timber rattlesnakes and black bears in your backyard,” Lapham said. When a family member who had lived on the property a decade ago stopped by for a visit, she couldn’t believe the level of wilderness that had grown up between the farm and the national park that’s now a neighbor. A lush forest covers the hillside that used to be part of the oldest orchard in Rappahannock County. Lapham said the same family that got the farm through a land grant in the mid-1700s owned it until the mid-1990s, clearing and farming much of what has now returned to forest. “To me, what makes this exciting is to be at that intersection and really look at merging conservation and agriculture,” Lapham said. “Is that doable?” After his career in international environmental policy in the Clinton administration and for the U.N. Foundation, the 44-year-old Lapham moved his family from “big Washington” to Little Washington, VA. He bought the farm, located near the iconic food destination, Inn at Little Washington, in 2006.

VIRGINIA

NORFOLK VIRGINIAN-PILOT

Cities hope for state guidance on sea rise There's no shortage of studies on sea level rise in

Hampton Roads. The binders would overwhelm a filing cabinet. They all agree the water is coming. After that, it gets a little murky. How high will it rise? How fast? Are historic trends accelerating? Is that in meters or feet? Does that include sinking land, subsidence? What if the Greenland ice sheet melts? What if the Gulf Stream slows down? While scientists embrace uncertainty, it's enough to make city planners and engineers a little crazy, or at least clamor for guidance. "We need in Virginia to determine what is the acceptable rise we're going to plan around," said Clay Bernick, environment and sustainability coordinator for Virginia Beach. "We can't say Norfolk is going to plan for this, and Virginia Beach is going to plan for that. That would drive us nuts." On that, most people agree. Despite the wealth of information, ...

Diverting attention from climate issue Historically, partisan clamor in Richmond and Washington provides only a low hum of irritating background noise in the places where things actually get done. The chatter may make it harder to concentrate, but the distraction often disappears when the time comes to fix stuff or solve Virginia's problems. Sadly, counterexamples have been mounting. Medicaid expansion. Abortion regulation. Rising seas. The debate over expanding Medicaid has devolved lately into partisan shouting that would embarrass a Washington busker, filled with inarticulate, illogical posturing and falsehoods dressed up as profundities. The regulation of abortion clinics in the past few years has featured arm-twisting (both to impose and to undo), apocalyptic clatter and what amounted to extortion by the state's chief law enforcement officer. Efforts to cope with the rising waters of Hampton Roads (decades of evidence prove the fact) have been diverted by a General Assembly ...

SOUTH BOSTON NEWS AND RECORD

Basin association calls for cleanup on the Dan River Remove coal ash from the Dan River and its banks. This is the message from the Dan River Basin Association (DRBA) to Duke Energy, Inc., and the governmental agencies responsible for ensuring the health and safety of our water supply. On Feb. 2 near the City of Eden an estimated 39,000 tons of coal ash stored in a lagoon beside the shuttered Dan River Power Station poured into the Dan River when a metal stormwater pipe collapsed. Polluted water continues to contaminate the river and groundwater through seeps and leaching from the bottom of the two unlined coal ash ponds. Coal combustion waste, or coal ash, is the residue from burning coal. The ash contains heavy metals at levels toxic to marine life and to all who consume river-dwelling creatures. The North Carolina Department of Public Health has issued warnings to avoid contact with the downstream water and sediment and not to eat fish or shellfish from below the spill. Although any creatures that lived on the bottom of the river were immediately killed, the poisons in fish, turtles, birds, and animals in or near the river accumulate over time and may not be apparent for months or years. Scientists are gathering fish from above and below the spill to study these long-term effects. The Dan River Basin Association exists to preserve and promote the Dan River Basin's resources. DRBA staff and partnering organizations have been monitoring the site and collecting data downstream since the day after the spill. "We are heartbroken by this event. We know and love this river. We have already developed strategies to help the section of the Dan River that has been negatively impacted - and the entire region - recover," says DRBA executive director Tiffany Haworth. "DRBA will be here long after the lights and cameras have gone away continuing to do what we have done for over a decade." The city of Eden, Rockingham County, and DRBA have promoted the Dan River for recreation and tourism for nearly a decade, building river accesses and encouraging river-related businesses. Several outfitters now serve river users from North

Carolina, Virginia, and other states, selling paddling gear and renting boats, tubes, and campsites. Vehicles carrying canoes and kayaks have become a common sight throughout the region. Although the Mayo, Smith, and Banister rivers, as well as all upstream miles of the Dan River, are unaffected by the spill, public perception of the entire area is tainted by this accident. Wake Forest University Professor Dennis Lemly, an expert on coal ash, estimates the long-term economic cost of the Dan River spill to be up to \$700,000,000.

Frustration rises as long-term impact of spill goes unanswered A month into the coal ash spill on the Dan River, some local businesses and organizations on the river basin are growing increasingly frustrated by the lack of information on the long-term impact of the disaster. At Bobcat's Bait and Tackle in Clarksville, Bobby "Bobcat" Whitlow says the phone began ringing almost immediately at his shop as anglers called to ask about the spill and its impact on Buggs Island Lake. "People wanted to know if it was safe to fish, or go near the water," said Whitlow. Clearly, his customers — many who hail from outside the area — were worried, but "I had no answers for them. I knew only what I read in the paper," he said. Shortly after he heard about the release of coal ash from Duke Energy's Dan River Steam Station in Eden, N.C., Whitlow said he put his boat in on the Dan River to witness the effects downstream. The water was gray, instead of its usual brown. "You could tell right away something wasn't right." Since he wasn't fishing that day, Whitlow said he could not tell if the spill was having an impact on the fish. Whitlow, whose livelihood and passion for fishing go hand-in-hand — he sponsors or is affiliated with several local and regional tournaments — is also frustrated by the lack of answers coming from "the experts." He says it's all well and good that Duke Energy has accepted responsibility for the spill, and that water tests are showing no discernible problems, but he's more worried about the fish and the sediment where these toxic chemicals will settle.

TIDEWATER REVIEW

King William considers local monitoring program for biosolids applications KING WILLIAM — The King William Board of Supervisors is debating whether or not a local monitoring program will make a difference in ensuring that biosolids land applications are properly inspected in the county. "We need something with teeth that we can actually regulate and enforce these activities," Supervisor Travis Moskalski said Monday night following a presentation by the Virginia Department of Environmental Quality (DEQ). "These local monitors, do they have any real authority, other than to contact DEQ and say, 'We've got a problem, come in here'?" he asked. DEQ is in charge of monitoring and regulating biosolids applications in Virginia. Localities have very little say in the process, but can implement a local monitoring ordinance that provides for the testing and monitoring of the land application of treated sewage sludge within its boundaries to enforce regulations. According to Neil Zahradka, manager of land application programs with DEQ, local monitors have the ability to cease the application if there's a violation but they can't enforce more restrictive conditions than what's already in place at the state level. The use of biosolids in the county was brought to the forefront late last year when 3,000 tons of the controversial fertilizer, often made from treated human waste, was applied to 250 acres of forestland off Wakema Road and Custis Mill Pond roads. Not long after the application process began in October 2013, residents in the neighborhood began voicing concerns with the smell, which they said often made them ill, and spillage on the roadway that was being scraped into the ditches. The job wrapped up a month later, but residents claim the odor lingered for months afterward, and their concerns were never properly addressed.

"I think the DEQ dropped the ball on that one, and we don't want it happening again," said Supervisor Tommy Redd. "It was a bad project front to back," Moskalski echoed. Zahradka said he's "very confident" in DEQ's ability to inspect land application sites, noting that 80 percent of sites are inspected, making the biosolids land application program one of the most inspected DEQ programs in Virginia. The local monitoring program would be a "supplement" to those inspections.

MISCELLANEOUS

BNA DAILY ENVIRONMENT REPORT

McCarthy Says EPA 'Did OK' on Budget, Will Work on Great Lakes Issues The EPA "did OK" in President Obama's fiscal year 2015 budget proposal, given spending constraints mandated by Congress, EPA Administrator McCarthy tells advocates for Great Lakes conservation. Obama's budget request for FY 2015 includes \$7.89 billion in funding for the EPA, a cut of about 3.8 percent from the agency's current funding level. McCarthy says she is "excited" that the Great Lakes Restoration Initiative was allocated \$275 million, though "we know that's going to disappoint many who wished we had the same level we had last year," when the GLRI received \$300 million.

Budget Proposal Seeks More Funds for EPA Chemical, Pesticide Programs President Obama's fiscal year 2015 budget request for the EPA includes an additional \$42.5 million for the agency's chemical safety and pollution prevention activities. The budget request would fund EPA activities intended to reduce the risk and increase the safety of chemicals and to prevent pollution at the source at a level of \$672.9 million in fiscal 2015. This would represent about a 6.75 percent increase in funding from the fiscal 2014 enacted level of \$630.4 million.

Republican Senators Seek 'No' Vote on Nominee for EPA Office of Water Six Republican senators circulate a letter urging a "no" vote on President Obama's nominee to serve as EPA assistant administrator for water, in a bid to stop the agency from moving forward with its Clean Water Act jurisdiction rulemaking. "The upcoming vote on Kenneth Kopocis to lead EPA's Office of Water is an opportunity to make clear that you are not simply rubberstamping the President's policies," the lawmakers write.

Coal-State Democrats Want to Restart Discussion on Clean Technologies Achieving meaningful international reductions in carbon dioxide emissions will depend on the successful development and deployment of clean coal technologies, four Democratic senators from coal states say. Sens. Heitkamp, Manchin, Donnelly and Warner tell the Coal Technology Symposium that EPA carbon dioxide standards could cripple the coal industry and wouldn't be an effective tool for addressing climate change internationally.

Former EPA Attorney to Serve as Environmental Counsel at White House The White House Council on Environmental Quality announces that Brenda Mallory will become the CEQ general counsel starting in April. Mallory previously served as the EPA's acting general counsel and principal deputy general counsel, among other leadership roles at the EPA, as well as 17 years in private practice, according to CEQ.

EPA to Require Practices to Curb Soil Erosion at Construction Sites The construction, utility and housing sectors will be required to implement best management practices to prevent soil erosion at construction sites in lieu of numeric nutrient limits for turbidity in stormwater under an EPA final rule. The new effluent limits emphasizing best practices to manage erosion and stabilize soils at construction sites are the result of an agreement that the EPA reached with the Wisconsin Builders Association, the National Association of Home Builders and the Utility Water Act Group to resolve a lawsuit over numeric limits for stormwater turbidity.

White House Threatens Veto of Bill to Relax Mining Stream Protections The White House issues a veto threat for a House bill that would implement a 2008 stream protection rule for states, allowing coal mining waste to be dumped close to streams. The bill would loosen requirements from the currently implemented 1983 rule, which had prohibited depositing waste or coal ash within 100 feet of a stream. The legislation is scheduled for a House floor vote today

GREENWIRE

EPA adds 60 days to comment period on power plant proposal U.S. EPA has extended the public comment period by two months to May 9 for the proposed carbon dioxide rule for new power plants. The agency gave no explanation for its decision to extend the comment period from March 10. The proposal was published in the *Federal Register* on Jan. 8, months after its release. Some onlookers attributed that delay to last-minute concerns at EPA about the legality of a proposed mandate that all new coal-fired power plants use carbon capture and storage technology to limit emissions, but the agency put it down to a work backlog caused by October's federal government shutdown. The proposal was published with no significant changes. The comment period extension comes as the House prepares to vote on a bill, H.R. 3826, that would scrap the proposal and prevent EPA from moving forward on a rule for existing power plants without congressional approval. The House will begin debate on the measure by Rep. Ed Whitfield (R-Ky.) this afternoon, with a vote expected tomorrow. The White House has said President Obama would veto the Whitfield bill. The proposal also comes after EPA released a supplementary document Feb. 6 that provided its justification for why it did not violate existing law when basing the CCS mandate in part on federally funded projects. That document must also undergo a 60-day public comment period, and it might have contributed to the agency's decision to provide an extension for the full proposal.

EPA: Harvard paper wades into debate on scope of power plant rules U.S. EPA's upcoming rule to limit carbon dioxide emissions from today's power plant fleet should encourage as much demand-side energy efficiency as possible, according to a white paper released yesterday by the Harvard Environmental Policy Initiative. The initiative, which is a project of Harvard Law School, argues that Section 111(d) of the Clean Air Act allows -- and perhaps compels -- EPA to

reach for proven strategies "outside the fence line" of individual plants in setting emissions standards. And because many states already require their utilities to meet energy efficiency targets or run programs to help their customers save energy -- programs that have been proved to reduce emissions -- EPA must promulgate a standard that takes into account the success of those existing programs, it said. "Any adequately demonstrated system of emission reduction available for compliance with a performance standard must also drive the standard's stringency," said the paper, authored by EPI Director Kate Konschnik.

FEDERAL AGENCIES: Staffing requests reflect Obama's priorities on energy, conservation If President Obama had his way in 2015, U.S. EPA's Office of Inspector General would have fewer watchdogs on patrol, the Fish and Wildlife Service would see a staffing boom and the Energy Department's cutting-edge technology office would get some new hires. It's all in the fine print of the White House budget request, as the president laid out his wish list yesterday for which programs would gain or lose staff next year. The Obama administration's fiscal 2015 budget request stayed -- for the most part -- within the discretionary spending boundaries Congress laid out in a two-year spending deal. But even as staffing for many programs stayed steady, the White House requested more employees for some programs while recommending personnel cuts for others. White House Office of Management and Budget Director Sylvia Mathews Burwell said yesterday that trade-offs had to be made when drafting the request. "When you account for things that have natural growth, such as veterans' benefits on the nondefense discretionary side, you see how tight the numbers are to produce a '15 budget," she said at a news conference. At EPA, the Inspector General's Office would see its staff trimmed, even though Obama asked for an overall funding boost for the watchdog office. The White House asked to cut the office's total full-time positions next year from 331 to 322. But overall funding for the office would increase from \$42 million to \$46 million.

WHITE HOUSE: EPA attorney picked to be CEQ general counsel The White House's environmental shop has recruited its new top attorney from U.S. EPA. Brenda Mallory will start next month as general counsel at the Council on Environmental Quality, the office's acting chief Mike Boots announced today. Mallory has been EPA's principal deputy general counsel since 2010 and filled in as the agency's acting general counsel last year. "Brenda brings 28 years of experience that will support our work to cut carbon pollution, build a clean energy economy, and protect our air, land and water," Boots said today in a blog post announcing the new hire. She "will be a valuable part of the team working across the Administration to meet President Obama's energy and environmental goals." Mallory will fill the post left by Gary Guzy, who was CEQ's deputy director and general counsel from 2009 until leaving earlier this year to join the law firm Covington & Burling LLP. Former CEQ Chairwoman Nancy Sutley stepped down from her post in February, and former Chief of Staff Boots was elevated to acting chairman. From 2005 until 2010, Mallory was associate general counsel for EPA's Pesticides and Toxic Substances Law Office, which provides legal support to the agency on pesticides and toxics issues. During her career at EPA, she's also been associate deputy general counsel responsible for supervising water and waste issues, a special assistant in the administrator's office, and EPA's representative on a White House task force that focused on energy project reviews and permitting. Prior to joining EPA, Mallory spent 17 years in private practice -- including 15 with Beveridge & Diamond PC, where she was a partner and served as the chairwoman of the Natural Resources Practice Group. She graduated from Columbia Law School in 1983 and from Yale

University in 1979.

EPA asks court for 'voluntary remand' of controversial boiler rules U.S. EPA has asked a federal court to let it review its methodology for setting air standards for industrial boilers, a sign that the agency's controversial rules may not hold up to judicial review. In a recent court filing, the agency requested a "voluntary remand without vacatur" of some of its 2011 standards for industrial, commercial and institutional boilers and process heaters, as well as some of the rules proposed when it reconsidered the regulations last year. The National Emission Standards for Hazardous Air Pollutants for Major Sources have been challenged in the U.S. Court of Appeals for the District of Columbia Circuit by a variety of business interests, including the sugar, chemistry and forestry industries, as well as utilities. At issue in EPA's request is its statistical methods for setting the standards. Last August, the D.C. Circuit remanded parts of EPA's air standards for sewage sludge incinerators, ruling that EPA had not fully justified how it set its base-line emissions limit or the maximum achievable technology (MACT) floor. EPA is required to set that floor based on the top 12 percent of performing facilities

Industry outlines parameters for identifying safer chemical alternatives BALTIMORE -- A coalition of chemical industry groups released a set of voluntary guidelines at an industry convention here this week that companies can use to develop programs that identify less hazardous chemical alternatives in their manufacturing processes. "Alternative assessments should lead to the development of new, commercially feasible products that boast improved safety and environmental profiles without sacrificing on performance for consumers," the groups said in a statement released yesterday at the GlobalChem conference. "If the development of an alternative assessment program is warranted, we believe our principles will provide policymakers and other manufacturers with the information they need to create flexible, yet effective alternative assessment programs that stimulate innovation while improving the safety, performance or value of industry products." Any use of alternative chemicals would need to be "technologically and commercially feasible; of comparable cost; maintain or improve product efficacy, performance, and usability; and result in consumer acceptance in the marketplace," the document said.

Americans use twice as much water as they think -- study Americans, often oblivious to how much water they use each day and the best ways to conserve it, end up using twice as much as they think they do, according to a new study from researchers at Indiana University. Amid a drought that stretches from the Pacific coast to the Mississippi River, the study in *Proceedings of the National Academy of Sciences* -- based on an Internet survey of 1,020 people -- found that people in the United States lowball their water use by a factor of two. "Most Americans assume that water supply is both reliable and plentiful," wrote the study's lead author, Shahzeen Attari. And the misperceptions don't stop there, the study found. Most survey respondents said they would save the most water by taking shorter showers and turning the tap off during activities like brushing their teeth. Previous research has found that 28 percent of household water use comes from toilet flushing. A higher-efficiency clothes washer would be the next best water saver, according to experts. The average human needs about 13.2 gallons of water each day to meet basic needs, according to Peter Gleick of the Pacific Institute in Oakland. But the average American used about 98 gallons a day in 2005

ASSOCIATED PRESS

Coal producer fined \$27.5 million for polluting Appalachian waterways Alpha Natural Resources Inc. violated water pollution limits in Kentucky, Pennsylvania, Tennessee, Virginia and West Virginia by discharging heavy metals and other pollutants harmful to wildlife. It's the largest fine ever, Environmental Protection Agency officials say. One of the nation's largest coal producers will pay a \$27.5 million fine and spend \$200 million to reduce illegal toxic discharges into hundreds of waterways across five Appalachian states, according to a proposed settlement Wednesday. The agreement includes the largest fine ever for violations of water pollution permits. The Associated Press obtained details about the settlement before it was filed Wednesday in federal court in West Virginia. The discharges occurred in Kentucky, Pennsylvania, Tennessee, Virginia and West Virginia, "This is the largest one, period," said Cynthia Giles, head of the Environmental Protection Agency's enforcement office, told the AP. "It's the biggest case for permit violations for numbers of violations and size of the penalty, which reflects the seriousness of violations." The government says that between 2006 and 2013, Alpha Natural Resources Inc. and dozens of subsidiaries violated water pollution limits in state-issued permits more than 6,000 times. They discharged heavy metals and other contaminants harmful to fish and other wildlife from nearly 800 outfall pipes directly into rivers, streams and tributaries, according to the government.

NEW YORK TIMES

Coal Firm to Pay Record Penalty and Spend Millions on Water Cleanup in 5 States One of the nation's biggest coal companies will pay a record civil penalty and will spend tens of millions of dollars to clean up water flowing from mines in five states, the Environmental Protection Agency and the Justice Department announced on Wednesday. The company, Alpha Natural Resources, and 66 of its subsidiaries including the former Massey Energy, will spend \$200 million under a consent decree to reduce pollution from coal mines in Kentucky, Pennsylvania, Tennessee, Virginia and West Virginia. The company will also pay \$27.5 million, the largest civil penalty ever for permit violations under the Clean Water Act, in connection with more than 6,000 such violations from 2006 to 2013. Under the agreement, which involved both state and federal agencies, Alpha's new equipment should prevent the discharge of about 36 million pounds of dissolved solids each year, including about nine million pounds of metals and other pollutants. The agreement is the fifth in recent years between the agencies and coal companies, following deals with Massey in 2008, Patriot Coal in 2009, and Arch Coal and Consol Energy in 2011. Because of such agreements, "we have a very significant share of the coal mining companies in Appalachia under consent decrees to clean up their discharges," said Robert G. Dreher, the acting assistant attorney general for the Environment and Natural Resources Division of the Justice Department. In a statement, Alpha noted that water safety in industrial operations had been at the forefront of public attention in recent months with a chemical spill in West Virginia and a coal ash spill in North Carolina. "The public expects that regulators ensure that water quality is protected and that companies comply with their permits," said Gene Kitts, Alpha's senior vice president for environmental affairs. "That's the way it should be. We respect and support that, and understand the concerns that these events have raised, yet there are distinct differences between those events and what we're talking about here."

WALL STREET JOURNAL

Alpha Natural Agrees to Pay Record Clean Water Act Fine Coal Producer to Pay \$27.5 Million

Fine, Spend \$200 Million to Reduce Toxic Discharges. WASHINGTON— Alpha Natural Resources Inc., ANR -1.32% one of the nation's largest coal producers, agreed Wednesday to pay a \$27.5 million fine for violations of the Clean Water Act, and will spend about \$200 million to reduce toxic discharges into waterways in five Appalachian states, the company said and federal documents showed. The settlement, reached among the Justice Department, the Environmental Protection Agency, three states and the company, based in Bristol, Va., covers violations of water-pollution permits involving 79 active coal mines and 25 processing plants between 2006 and 2013. It is the largest civil settlement in history over water-pollution permits under the Clean Water Act, the EPA said in a news release. The discharges of heavy metals and contaminants, which can harm wildlife and fish, occurred in Kentucky, West Virginia, Tennessee, Virginia and Pennsylvania. Alpha said in a statement that it had settled a complaint that some of its mining affiliates allegedly "exceeded certain water discharge permit limits." It said the complaint didn't allege that the discharges posed a risk to human health. "Alpha agreed to implement an integrated environmental management system and an expanded auditing/reporting protocol," as well as wastewater treatment facilities at specific locations, it said. The \$27.5 million fine will be divided among the federal government and state agencies in Kentucky, West Virginia and Pennsylvania. "This consent decree provides a framework for our efforts to become fully compliant with our environmental permits, specifically under the Clean Water Act," Gene Kitts, Alpha's senior vice president of environmental affairs, said in the statement. The Clean Water Act regulates, among other things, industrial pollution that goes directly into surface waters. Alpha's discharges were more than 30 times the permitted water-pollution limit in some instances, federal documents showed. Mr. Kitts said that in 2013, the company had complied 99.8% with the Clean Water Act. The settlement, filed Wednesday in federal court in Charleston, W.Va., includes a detailed compliance plan for Alpha to reduce the presence of selenium, a mineral byproduct of mountaintop coal mining that in large amounts can poison fish or damage their reproductive systems. Large amounts of selenium can harm humans, and it has been regulated in drinking water for 40 years. The company didn't return a call requesting further comment.

Justice Won't Prosecute EPA Scientist A recent Journal editorial noted an appalling double standard: the Department of Justice has given a pass to senior officials at the Environmental Protection Agency who enabled fake spy John Beale to steal almost \$900,000 from taxpayers. Meanwhile Justice threatened EPA career employee Mark Townsend with prison time for alleged management failures that were far less serious. Good news for Mr. Townsend arrived late yesterday. The U.S. Attorney's Office for the District of Columbia notified his lawyer Mark Heilbrun that the investigation of Mr. Townsend is closed. But has U.S. Attorney Ronald Machen even started an investigation of the EPA brass who enabled Beale to bilk taxpayers for years while he pretended to be a secret CIA agent? On Capitol Hill, Sen. Barbara Boxer (D. Calif.), who is supposed to lead oversight of the EPA as chairman of the Environment and Public Works Committee, hasn't held a single hearing on the Beale disaster. But even without subpoena power, the committee's ranking member Sen. David Vitter (R., La.) has poked enough holes in the official story to expose open hostilities between EPA's top leadership and the Obama-appointed inspector general who has been investigating the case. Yesterday the IG fired back in an open letter to a senior aide to EPA Administrator Gina McCarthy who had criticized the IG's responses to questions from Mr. Vitter.

HUFFINGTON POST

Blog: EPA's Power Plant Gamble -- a Risk We Can't Afford Among the many things Government can do in the broad public interest, and surely among the first things it should do, is to secure an affordable and reliable supply of electricity for its people and its industries. The blessings of liberty may be secured by laws and custom, but the blessings of modern civilization are unthinkable without electricity, a truly indispensable commodity in the 21st century. Our country has enjoyed the advantage of low-cost electricity for so long that we may be taking it for granted. This may be about to change. That's the disturbing conclusion we draw from regulations proposed by EPA for reducing greenhouse gas emissions from coal-fired power plants. EPA would require new coal-fired plants to use carbon capture technology that has not yet been proven on a commercial scale for power plants and is very unlikely to be available for at least a decade or more. The deliberate effect is to rule out for future use the one energy source that provides more electricity than any other. The agency's proposal leaves us with little doubt about its intentions for regulating emissions from existing coal plants with a separate rule expected to be proposed this summer. Aside from the doubtful legality of mandating undemonstrated technology for real world application, EPA's approach is irresponsible as public policy in two ways. First, the agency is taking a dangerous gamble with the nation's economy. By removing coal from future use, EPA weakens if not destroys what has been a strength of our economy -- a diversified energy portfolio. The result is a far less reliable electricity grid, a risky reliance on one major fuel source for generating base load power, and the certain prospect of higher electricity prices. Lincoln advised us "not to swap horses in midstream." Good advice now as then.

REUTERS NEWS SERVICE

New US fuel standards aim to cut asthma, heart attacks The Obama administration on Monday announced new fuel and automobile rules to cut soot, smog and toxic emissions, which it says will reduce asthma and heart attacks in the United States. The rules unveiled by the Environmental Protection Agency will cut sulfur levels in gasoline by more than 60 percent and will be phased in between 2017 and 2025. Health advocates praised the move, while a petroleum refiners' group called the compliance schedule unrealistic and warned that these regulations and others would eventually raise gasoline prices throughout the country. "By reducing these pollutants and making our air healthier, we will bring relief to those suffering from asthma, other lung diseases and cardiovascular disease, and to the nation as a whole," said Dr. Albert Rizzo, former chairman of the American Lung Association. Once fully in place, the standards will help avoid up to 2,000 premature deaths per year and 50,000 cases of respiratory ailments in children while adding only an average of 1 cent per gallon to the cost of gasoline, the agency estimated. Charles Drevna, president of the American Fuel and Petrochemical Manufacturers, rejected the agency's cost estimate. "We are rapidly approaching California gasoline as the nationwide fuel," Drevna said at the IHS CERAWeek energy conference in Houston. Retail gasoline prices in California are generally the most expensive in the continental United States due to strict environmental rules and other factors. The EPA said the sulfur rules include a program to help refiners and importers meet the new standard, and gives smaller refiners more time to comply.